THE

South-Carolina Gazette.

NUMB. 332.

Containing the freſheſt Advices Foreign and Domeſtick.

FROM TUESDAY *July* 1, to SATURDAY *July* 5, 1740.

Tranſcript of the Journals of the Upper Houſe of Aſſembly of North-Carolina, atteſted by Mr. Richard Lovett *Clerk of the ſame.*

Wedneſday Morning, Febr. 20th, 1739.

PRESENT

The Hon. *William Smith* Eſq; Preſident,

Nathaniel Rice, *Robert Halton*, *Eleazer Allen*, *Matthew Rowan*, Eſqrs. Members. *Edward Moſely*, *Roger Moore*, *James Murray*.

THE Bill for an Act appointing a Treaſurer for the ſeveral Counties therein mentioned, was read in this Houſe the ſecond Time, and the Queſtion being put whether the ſaid Bill ſhould paſs,

Four Members voted that it ſhould not paſs.

The eldeſt Councellor and three others voted, that it ſhould paſs.

Whereupon Mr. *Smith* the eldeſt Councellor, inſiſted that he had a deciſive Voice upon an Equality, on which the Bill did paſs. Then the Four Members who were of Opinion that the Bill ought not to paſs, deſired, that their Diſſent and Proteſt thereto ſhould be enter'd in the following Words, viz.

The *Proteſt* of the Subſcribers, being Four of the Members of the Upper Houſe, againſt the eldeſt Councellor or Chairman, claiming a caſting Vote in the Upper Houſe on an Equality, he making one of the Equality.

Firſt. Becauſe we conceive that the firſt Councellor has not, nor ought to have more Power in Aſſembly than any other Member of Council, nor can vote more than once on any Queſtion propoſed in this Houſe.

2dly. That for the firſt Councellor to aſſume to himſelf, the Right of a caſting Vote where he himſelf makes the Equality, is claiming that of two Votes in the Upper Houſe, for which, we conceive there never was a Preſident in any of his Majeſty's Colonies in *America* ſince the firſt Settlement of them.

3dly. We conceive that ſhould this extraordinary Power be admitted in the firſt Councellor, in the Upper Houſe of Aſſembly, of firſt voting as a Member, and then giving an additional one to caſt in Caſe of an Equality himſelf included, this Power will extend equally to ſuch Queſtions, on the negative Side of which he is pleaſed to declare himſelf, as well as on thoſe of the Affirmative, from whence we conceive it will follow, that the firſt Counſellor in the Upper Houſe has at ſome times a Negative on the Laws of this Province, a Power which we apprehend was never veſted in any but the Crown, or its Delegate the Governour.

4thly. We conceive, that where a Right is ſo ſtrongly aſſerted as in this Caſe, it behoves the Parties aſſerting that Right, to produce ſome Inſtances parallel to it, either at Home or abroad, in ſupport of that Aſſertion, in order to regulate our Judgment and determine our Opinions in the Caſe; as nothing of this Kind has appeared, but on the Contrary, that during this preſent Governour's Adminiſtration we apprehend a Bill has been laid aſide from the Equality of Votes in the Upper Houſe, it is plain we conceive, that the preſent Claim of the firſt Counſellor is an Innovation and deſtructive to the Rights of the Upper Houſe, which we are determined as far as in us lies to leave unviolated to our Succeſſors.

For all which Reaſons and many others we could produce to ſhew the Inconvenience of ſuch a Practice in this Houſe, we do hereby diſſent from, and proteſt againſt any Bill, Clauſe or other Matter whatſoever which ſhall paſs this Houſe in Conſequence of ſuch an uncommon Proceeding.

Nathaniel Rice.
Eleazer Allen.
Edward Moſely.
Roger Moore.

The Bill for an Act for erecting the Village called *Newton*, into a Town and Townſhip, by the Name of *Wilmington*, and for regulating and aſcertaining the Bounds thereof, was read in the Houſe, and upon paſſing the ſame, Queſtion was put whether the ſame ſhould paſs.

The Hon. *William Smith* Eſq;

Robert Halton, *Matthew Rowan*, *James Murray* } Eſqrs. for the Bill.

Nathaniel Rice, *Eleazer Allen*, *Edward Moſely*, *Roger Moore* } Againſt the Bill.

The firſt Counſellor Mr. *Smith* declared, that he inſiſted on his having the caſting Vote notwithſtanding the Equality, upon which the Bill paſs'd. Whereupon the following Members did proteſt againſt the paſſing the ſaid Bill for the Reaſons given this Day in the Caſe of the Treaſurer's Bill this Day paſſed, reſerving to themſelves other Reaſons againſt the ſaid Bill until the third Reading of the ſame.

Thurſday 21ſt.

PRESENT the ſame Members.

The Bill for an Act appointing a Treaſurer for the ſeveral Counties therein mentioned, being read in the Upper-Houſe the third time, the Queſtion being put whether the ſame ſhould paſs, the ſame Gentlemen who voted againſt the ſaid Bill on the 20th Inſtant, again declared againſt paſſing of it, and the other four Gentlemen, of whom the eldeſt Counſellor being one, declared their Opinion in Favour of the ſaid Bill.

Then the eldeſt Counſellor inſiſting on a deciſive Vote, the Bill paſſed upon the ſame.

Then the Four Gentlemen againſt paſſing the ſaid two Bills deſired the Liberty again to proteſt againſt the eldeſt Councellor's deciſive Vote, for the Reaſons ſet forth upon the 20th Inſtant, and accordingly they did proteſt.

Saturday

Saturday Febr. 23d

PRESENT the same Members.

The Bill for an Act for erecting the Village called *Newton* in *New Hanover* County, into a Town and Township, by the Name of *Wilmington*, was read a third Time in the Upper House, and the Question was put whether the said Bill should pass

The Hon *William Smith* Esq;
Robert Halton
Matthew Rowan } Esqrs. for the Bill.
James Murray
Nathaniel Rice
Ebenezer Allen } Against the Bill.
Edward Moseley
Roger Moore

The Votes being equal, the first Counsellor Mr. *Smith* declared he had a casting Vote tho' himself made the Equality.

And so the Bill pass'd.

Upon which the Members against the Bill protested as well against the Power assumed by the first Counsellor, as against the Bill itself, and desired leave untill Monday to enter their Protest at large.

Monday Morning Febr 25, 1739.

PRESENT the same Members.

Mr *Allen* brought into the House, the Protest of himself and the other three Members, against the Bill for an Act for erecting the Village, called *Newton* in *New-Hanover* County, into a Town and Township by the Name of *Wilmington*, which was read to the House, and ordered to be entered in the Journals of the House.

Protest of four of the Members of Council against passing the *Wilmington* Bill.

1st. BECAUSE the Town of *Brunswick* was by Act of the General Assembly of this Province, passed the Day of *November* 1729, made a Township, and had by Virtue of that Law a Power to erect a Church, a Prison and Court House, and to hold the usual Courts of the Precinct therein.

That for the Encouragement of this Law, many People did undertake to build, and actually built several good Houses, and made great Improvements in and about the said Town some Years before the Village of *Newton* was erected or so call'd, from whence we conceive, that shou'd this Bill pass into a Law, it wou'd be attended with great Injustice in as much as it deprives those Persons of the Fruits of their Labour and Expence, and may in time be brought into a Precedent for Demolition of this favourite Village, whenever it shall happen that another Set of Gentlemen, whose Interest lies much higher up the River shall Petition the Legislature for it. Nor can we conceive it at all agreeable to natural Equity, to divest the Inhabitants of the Town of any Priviledges once granted by Law, without some Failure or Breach of that Law on their Part, nothing of which Kind has ever been so much as alledged against the Inhabitants of *Brunswick*,

2dly. Because the Lands in this Bill set a-part for a Town being the Property of private Persons, it does not appear by any authentick Instruments that all the same are allotted for such a Purpose by the Consent of the Owners, which we think this House shou'd be satisfied with before this Bill passes.

3dly. Because by this Bill the Custom-house Officers are (under a certain Penalty) establish'd at *Newton*, notwithstanding the Depth of the Water and other Conveniencies of Navigation before *Brunswick*, are notoriously known to be superior to those of *Newton*, which we conceive to be not only contrary to the Orders and Intention of the Honourable the Commissioners of the Customs at *London*, but will subject the Trade of *Cape-Fear* River (already too much burthen'd) to still greater Hardships and Inconveniencies, as it obliges every Master whose Vessel is of too large a Burthen to pass the Shoal at *Newton*, or who shall think it more convenient to trade below to enter there, which many Times in the Year is render'd impracticable by bad Weather, within the Time limited by Act of Parliament, in which Case it is in the Breast of the Officer to seize such Vessel, to condemn and confiscate her, with all her Tackle, Furniture and Apparel to his Majesty's Use, if a Judge of the Admiralty shall hereafter be found wicked enough to proceed on so slight Grounds, and all this for not performing Impossibilities.

Lastly. We conceive we shou'd not act as faithful Servants to his Majesty, shou'd we consent to the passing this Bill, because by establishing the Custom-house Officers so far up the River, the fairest Opportunities are given for Breach of the Laws of Trade, by importing contraband Goods, or exporting Tobacco, and other enumerated Commodities to foreign Markets, to the great Detriment of his Majesty's Revenue, and Discouragement of the fair Trader, an Instance of which we can produce well attested, which happ'ned some Years ago, whilst the Officers were as now held at *Newton*.

We likewise protest against the Manner of passing this Bill, the first Counsellor assuming to himself a Power of a decisive Vote on an Equality of Members, he making the Equality, for the Reasons given the 19th Instant, on passing a Bill for appointing a Treasurer, &c.

Nathaniel Rice.
Ebenezer Allen.
Edward Moseley.
Roger Moore.

South-Carolina.

By the Honourable WILLIAM BULL *Esq; Lieutenant Governor and Commander in Chief in and over his Majesty's Province of* South-Carolina.

A PROCLAMATION.

WHEREAS the General Assembly stands adjourned to the first Tuesday in *October*, and an Affair of great Consequence to his Majesty's Service, requires their immediate Consideration.

I have therefore by and with the Advice of his Majesty's Honourable Council, tho't fit, to issue this my Proclamation, hereby requiring their Attendance on Tuesday the Fifteenth Instant, at Ten o'Clock in the Forenoon.

Given under my Hand and the Great Seal of this his Majesty's Province, at Charlestown, *the Fourth Day of* July, *in the Fourteenth Year of his Majesty's Reign*, Annoq; Domini 1740.

GOD SAVE THE KING.

WILLIAM BULL.

By his Honour's Command,
Wm. Freeman *Dep. Secr.*

LONDON, *April* 1.

We are informed that a solemn Embassy is daily expected here from the Court of *France*, with a Plan for mediating the Differences between *Great-Britain* and *Spain*.

April 14. We hear that Propositions of Peace have been offer'd to this Court by that of *Spain*, which are more advantageous than any that have yet been talk'd of, the latter thereby proposing to reimburse the Charges it has been at in the War.

We hear that an Order was sent to the Custom-House on Saturday last, for taking off the present Embargo laid on all Shipping.

April 15. At the Trade and Plantation Office they are making out an exact Account of the Paper Currency in *America*, in order to lay the same before the Commons.

Page 1, Line 53 and 54, read *for the said two Bills*, the said Bill.

On Friday last the Maſter of the *Folkſtone* Sloop ſpoke with *Seven* Sail of *Dutch* Men of War, one whereof was a 70 Gun Ship, which had the Flag at the Fore Top-Maſt. They bore away to the *Weſt* with all the Sail they could poſſibly make, and ſaid they were going to join Admiral *Balchen*.

John Savy Eſq; who had been ſome Years in the Spaniſh Service, in November 1738, ſurrender'd himſelf to the Lord Tyrawley at Lisbon, from whence he was brought ſoon after, and detained as a State Priſoner for a conſiderable time, has ſo well acquitted himſelf, that his Majeſty has been pleaſed to appoint him to be a Lieutenant of one of the three Regiments to be raiſed in America, under the Command of Coll. Spotſwood, Commander in Chief of the ſaid Regiments.

We hear from Plymouth, that Ten Days ago two Men of War of 70 Guns, two of 60, and one of 50, ſail'd from thence, having on Board the Governour and ſome Officers belonging to the Garriſon of Gibraltar.

It is ſaid that Admiral Balchen, with five Men of War more will ſhape the ſame Courſe with the above Ships.

The Commiſſioners of the Victualling Office have receiv'd a Warrant from the Lords of the Admiralty to victual 46 Tranſport Ships with all Expedition.

Yeſterday Sir. John Norris, Vice-Admiral of England, receiv'd his Commiſſion at the Almiralty, appointing him Commander in Chief of all his Majeſty's Ships of War, deſign'd for the Security of our Coaſts, and will this Week hoiſt his Flag on Board the Britannia, a firſt Rate, of 100 Guns.

And we hear Admiral Cavendiſh will be remov'd to the Namure, a 90 Gun Ship, which Sir John Norris had.

And that Admiral Stuart will hoiſt his Flag on board the Elizabeth, at Portſmouth, in the room of Admiral Cavendiſh.

Our laſt Mail gives us an Account of a Regiſter Ship and a Spaniſh Man of War being arriv'd in Portugal from the Spaniſh Weſt-Indies, and that there are two Advice Boats ſail'd for the Havanna; ſo that we find, notwithſtanding our great Armaments, and the Vigilance of our Commanders, the Enemy find Means to eſcape, and elude our Intentions.

Letters from Paris of the 20th of April, N S confirm the Account we ſome time ſince gave of eight Men of War and four Frigates ſailing from Cadiz the 26th of March, N. S. ſailing for the Weſt-Indies, and alſo ſay, that 8 Spaniſh Men of War were ſail'd from Ferrol in Galicia, but don't mention any Date or from what Place; but a Letter from Cadiz, dated March 30 (a Day after the Poſt, and ſuppoſ'd ſent by Expreſs) ſays that all the Ships which ſail'd the Day before were return'd into the Bay of Cadiz.

Several Men of War at Portſmoth are ordered to hold themſelves in a Readineſs to ſail on the firſt Notice.

CHARLES-TOWN, *July* 5.

On Thurſday Night the Rev. Mr. *Whitefield* arrived here from *Georgia*. *He preaches on Monday next at Mr.* Chanler's *Meeting houſe at* Aſhley-Ferry. *And on Tueſday at* Dorcheſter.

William Lowry an Inhabitant of the Townſhip of Williamsburgh in this Province, having laid before the Lieutenant Governor and Council a Piece of HOLLAND, made by him in the ſaid Townſhip. His Honour the Lieutenant Governor and his Majeſty's Hon. Council, as it was the firſt Piece of Holland made in this Province, were pleaſed to order the ſaid William Lowry Twenty Pounds out of the Townſhip Fund.

Cuſtom Houſe, Charleſtown,
Entred inwards,

Baſs & McFall from Boſton. Shedden and Prew from Providence. Drumery from Rhode-Iſland. Marſhal from Glaſgow. Inglis from Amſterdam. Fadre from Cowes.

Entred out.

Fadre and Inglis for Cowes. Drumery and McFall for London, Morgan for New-York.

Cleard for Departure

Harramond, Lumidane, Patton and Palmer to Cowes.

EXPORTED from *Nov.* 1, 1739.

Barrels of

Rice 64283.	Tarr 1812.
Pitch 7819.	Turpentine 75.

PRICE of the following Goods.

Rice 32 to 33 s. 9 d. *per C.*	Turpentine 20 s.
Pitch 40 s.	Skins 18 to 19 s.
Tar 30 s.	Indian Corn 7 s. 6 d. to 10 s.

David Mongin Watch-Maker, being now ſettled in *Charleſtown*, makes and mends all ſorts of Clocks and Watches in the beſt Manner, at his Houſe next Door to Mr. Wm. Glen Harter in Broad-ſtreet.

To be ſold by John Laurens Sadler of *Charleſtown*, a choice London Chaiſe and Furniture.

On Thurſday the 10th of July next, at 10 o'Clock in the Forenoon, will be expoſed to Sale at publick Vendue, for ready Money by the Executors, the perſonal Eſtate of John Robinſon Butcher deceaſed, at the Plantation where he liv'd, being 4 Miles from *Charleſtown*, viz. Five Negro Men Butchers by Trade, One Plantation Negro Man, One good Houſe Wench, Ten Horſes ſeveral Milch Cows, and about fifteen Steers, and other Cattle, One large Boar and three Sows, about 8 Acres of good Corn, Peaſe and Potatoes, a good Corn-Mill and ſeveral Plantation Tools, a Beam, Scales and Weights, one pair ſtilliards, ſundry Houſhold Goods and wearing Apparel, one ſilver Watch, one Muſquet, and four good Fowling pieces, and ſundry other Goods.

All Perſons who have any Demands on the ſaid Eſtate, are deſired to bring in their Accounts properly atteſted, And thoſe who are indebted, are likewiſe deſired forthwith to adjuſt the ſame with Robert Raper one of the Executors, who ſettles the ſaid Accounts.

Alex. Smith.
Robt. Raper.

Strayd on the other Side of Aſhley-Ferry, Sorrel Horſe, branded the on Mounting Buttock R I, and a Star in his Forehead, Whoever brings the ſaid Horſe to John Martini at his Plantation near Gooſe-Creek, ſhall have 3 l. reward.

Part of the Act for the better regulating of Patrols.
Paſſed the 10th Day of *May*, 1740.

AND BE IT FURTHER ENACTED by the Authority aforeſaid, that the Captain or commanding Officer of every Company, ſhall have Power in their ſeveral Diſtricts, from time to time to appoint one good and diſcreet Perſon, from among the Perſons ſo pricked off, to be their Commander as ſoon as their Names ſhall be ſo prick'd off as aforeſaid. And in caſe ſuch Captain or commanding Officer fail ſo to do before they leave the Place of Muſter, that then the ſaid Captain or commanding Officer be liable to the Fine of One Hundred Pounds, to be recover'd as before mentioned; and that the Commander of every ſuch Patrol may have the better Authority, to keep them in good Order and Demeanour during their Time and Turn of Duty, it ſhall and may be lawful for every ſuch Patrol Commander, and